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STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPISTS AFFILIATED
CREDENTIALING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DANIEL P. LAWRENCE, P.T.,

RESPONDENT.

Case No.: LS9909152PHT

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. §227.53 are:

Daniel P. Lawrence, P.T.
3009 Manchester Road
Madison, WI 53719

Physical Therapists Affiliated Credentialing Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Physical Therapists Affiliated Credentialing Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Daniel L. Lawrence, P.T., Respondent, date of birth July 8, 1952, is licensed by the Wisconsin Physical Therapists Affiliated Credentialing Board to practice as a physical therapist in the State of Wisconsin, pursuant to license number 4436, which was first granted December 24, 1992.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3009 Manchester Road, Madison, WI 53719.
3. During the time of the events set out below, Respondent was employed as a physical therapist in the physical therapy clinic by Meriter Health Services, Inc., Madison, Wisconsin. Respondent resigned from that position effective March 18, 1997.
4. On May 21, 1996 Ms. A, then 33 years of age, received a referral from her physician for physical therapy at Meriter physical therapy clinic. The referral indicates a diagnosis of cervical spondylosis, which is degenerative

joint disease in the area of the cervical spine. The referral specified "P.T. conditioning with [Respondent]." Ms. A and Respondent had never met prior to that date.

5. As a result of the referral, Ms. A was evaluated and treated by Respondent for 60 minutes on June 11, 1996 at Meriter Capitol physical therapy clinic. The Initial Assessment Summary prepared by Respondent of that evaluation and treatment session indicates:

- o Diagnosis: Right scapular discomfort while vigorously exercising.
- o Treatment: Conditioning.
- o Significant Findings: Pain in upper right scapular region during vigorous exercising, including push-ups and sit-ups. Pt. is required to do 20 push-ups, 40 sit-ups and a 2 mile run as part of National Guard physical exam. Pt.'s sit-up and push-up techniques were found to be faulty.
- o Assessment: Pt. comes to PT for instruction on how to pass her National Guard exam. Initial treatment corrected biomechanical faults during sit-ups and push-ups and instructed pt. in proper body mechanics and stabilization exercises. Constructed training regimen to achieve a 2 mile run within 20 minutes, over the next 6-8 weeks.
- o Treatment plan: Construct training regimen for 2 mile run under 20 minutes, and ability to perform sit-ups and push-ups under timed constraint. Follow pt. approximately 1 once a month to assess improvement and fine tune her training.
- o Goals: Pass her National Guard physical exam by August or September.

6. On July 12, 1996, Respondent provided evaluation and treatment to Ms. A for 30 minutes at Meriter Capitol physical therapy clinic. On that occasion Ms. A complained of having awakened with a "charlie horse" in her upper right trapezoid muscle and Ms. R received ultrasound therapy to her right scapular muscles. The progress note referenced Ms. A's progress with running, push-ups and sit-ups. It also notes that cervical range of motion was full and pain free.

7. On August 16, 1996, Respondent provided evaluation and treatment to Ms. A for 30 minutes at Meriter Capitol physical therapy clinic. Respondent noted that she was doing well with no complaints, and that the National Guard test was scheduled for September 4. She had achieved her sit-up goal, but was still progressing toward the goals for push-ups and the 2 mile run. The note indicates that Ms. A had achieved scapular stabilization and that Respondent would perform a run test at the next appointment.

8. On August 21, 1996, Respondent provided evaluation and treatment to Ms. A for 90 minutes. Respondent evaluated Ms. A's running style at 10 Tower, an exercise facility on the tenth floor of Meriter Hospital, which is several blocks from the Meriter Capitol physical therapy clinic. He also noted that her sit-ups and push-ups were progressing and that she was getting stronger and had decreased pain in her cervical spine. The stated plan was to continue training. No discharge note was made.

9. On August 30, 1996, Respondent provided evaluation and treatment to Ms. A for 90 minutes. Respondent also arranged for Ms. A to have a practice run at Madison Area Technical College on Saturday August 31, 1996.

10 On September 4, 1996, Ms. A participated in the 2 mile run portion of the National Guard physical fitness test and completed the run within the required period of time. Although it was not a scheduled appointment and was not billed to Ms. A, Respondent was present at the test and ran with Ms. A during the test to assist her by pacing her

11. On September 5, 1996, Respondent purchased and sent Ms. A flowers, at her work, to congratulate her on successfully passing the running portion of the test. Respondent had never sent flowers to a patient before that occasion.

12. Ms. A interviewed for a different position in the National Guard on September 7, 1996 and was told that day that she had received the promotion. Respondent had asked Ms. A to call him when she received the results of the interview. That evening, Ms. A called Respondent and told him about the promotion. During the call they agreed to meet for lunch to celebrate her passing the running test and her obtaining the new position.

13. On September 13, 1996, Respondent and Ms. A had lunch at a restaurant to celebrate her passing the test and obtaining the new position. Respondent paid for the lunch. Ms. A gave Respondent a card and a gift of a bottle of wine.

14. Ms. A told Respondent that she was having pain in her right upper scapular area, an area that she had pain during her July treatment. Respondent told Ms. A that she would have to obtain a second referral from her physician because the first referral had been for conditioning.

15. On September 19, 1996, Ms. A received a second referral from her physician for physical therapy at Meriter physical therapy clinic. The referral indicates a diagnosis of cervical pain and specified "P.T. - eval. + treat." Ms. A had not been discharged from treatment at the physical therapy clinic from the first referral and no new registration or other records were prepared because of the second referral. The physical therapy clinic's records on Ms. A reflect that Ms. A remained a patient of the clinic continuously from the time of the first referral.

Respondent believed that Ms. A's treatment ended on August 30, 1996.

16. On September 25, 1996, Respondent and Ms. A met at Respondent's clinic and proceeded to a lunch date.

17. On October 1, 1996 at noon, Respondent provided evaluation and treatment to Ms. A for 30 minutes at Meriter physical therapy clinic. Respondent did not complete an Initial Assessment Summary, as he had for the first referral. The progress note indicates that Ms. A had pain in her right upper scapular area. Respondent instructed Ms. A in strain and counter-restrain techniques and determined to provide Ms. A with myo-therapy.

18. Ms. A had set up a series of appointments through the appointment desk, as was usually done. Respondent called Ms. A and told her that the appointments were too far apart. Respondent himself rescheduled the appointments with Ms. A and arranged them so that they could go out together either for lunch or after work.

19. Respondent provided evaluation and treatment to Ms. A, at Meriter Capitol physical therapy clinic, on:

Date	Time	Length
October 10	9:00 a.m.	60 minutes
October 15	10:30 a.m.	30 minutes
October 17	11:00 a.m.	60 minutes
October 18	4:00 p.m.	90 minutes
October 22	1:30 p.m.	60 minutes
October 25	11:30 a.m.	60 minutes

20. Following the October 25, 1996 appointment, Respondent escorted Ms. A to lunch in downtown Madison. Respondent kissed Ms. A goodbye in the parking ramp at Respondent's clinic.

21. Respondent and Ms. A had several lunches together on days Ms. A had evaluation and treatment from Respondent. Ms. A describes the lunches as being "definitely dates", but Respondent describes them as lunches between friends. It was uncommon for Respondent to have lunch with a patient.

22. The October 25, 1996 progress note written by Respondent indicated that Ms. A was doing better and a plan that Ms. A would be discharged, if she did not return within two weeks.

23. Appointments had been scheduled and were pending for Ms. A to receive 60 minute physical therapy sessions from Respondent at Meriter Capitol physical therapy clinic on October 30 at 4:30 p.m., October 31 at 9:00 a.m. and November 8 at 11:30 a.m. These appointments were ultimately canceled. Respondent believed that Ms. A ceased being a patient following the October 25, 1996 appointment.

24. On October 28, 1996, Respondent phoned Ms A and set up a luncheon date. They went to Spring Green, Wisconsin for lunch that day.

25. In celebration of Halloween that year, Respondent sent flowers to Ms. A at her place of work., and brought her chocolates and a greeting card at her place of work.

26. On November 7, 1996, Respondent and Ms. A arranged for, and had, breakfast and a morning of "togetherness" in Spring Green, Wisconsin. Respondent and Ms. A kissed that day. Respondent contends that prior to that day he considered Ms. A to only be a friend, and that his view of the relationship began to change that day.

27. On November 14, 1996, Respondent reserved a hotel room at East Towne Suites in Madison, Wisconsin and took Ms. A there so that they could be alone. Respondent and Ms. A spent the afternoon together kissing and touching and talking in the hotel room. In addition, Respondent gave Ms. A a back rub while they were there.

28. On November 19, 1996, Respondent invited Ms. A to the Meriter Capitol physical therapy clinic so that he could show Ms. A yoga stretches Respondent had been taught at a workshop. Respondent and a colleague demonstrated the yoga to Ms. A who tried the yoga. This was not a scheduled session and was not billed or charted. Respondent did not view this as a treatment session.

29. On November 25, 1996, Respondent and Ms. A engaged in sexual relations in a hotel room, which Respondent had reserved in the Madison, Wisconsin area.

30. On December 4, 1996, Respondent wrote a discharge note in Ms. A's treatment record. The note showed:

- o Duration of treatment: June 11, 1996 through October 25, 1996.
- o Assessment: Pt. did well with therapy. P.T. feels a problem area persists at T1 - T2 disc.
- o Recommendation: Discharge.

31. On December 2, 1996, Respondent and Ms. A engaged in sexual intercourse in a hotel room in the Madison, Wisconsin area.

32. Ms. A's husband called Respondent and asked to meet with him. At a December 11, 1996, meeting, Ms. A's husband told Respondent to stop calling Ms. A. Ms. A's husband told Respondent that Ms. A was under emotional stress and that the relationship was the main contributor to that stress.

33. On December 16, 27 and 31, 1996, Respondent and Ms. A engaged in sexual intercourse in hotel rooms in the Madison, Wisconsin area.

34. Respondent and Ms. A continued seeing each other. On most Mondays and Thursdays they would have lunch together, and on most Sundays that would exercise together. Respondent gave Ms. A day passes at a health club where he was a member so that they could work out together.

35. Ms. A felt guilty about the relationship and felt that she became anorexic and depressed. Ms. A. was in marital counseling with her husband. During counseling Ms. A's husband tried to persuade his wife to break off the relationship with Respondent.

36. A minimally competent physical therapist would not have engaged in the conduct set out in Findings of Fact 10 through 35.

37. By engaging in the conduct set out in Findings of Fact 10 through 35, Respondent exposed the patient to unreasonable risks of harm to which a minimally competent physical therapist would not have exposed a patient and former patient.

CONCLUSIONS OF LAW

1. The Wisconsin Physical Therapist Affiliated Credentialing Board has jurisdiction over this matter pursuant to §448.57, Stats.

2. The Wisconsin Physical Therapist Affiliated Credentialing Board has authority to enter into this stipulated resolution of this matter pursuant to §227.44(5), Stats.

3. Respondent, by engaging in a romantic and sexual relationship with Ms. A while she was his patient and immediately following the physical therapist- patient relationship, has committed unprofessional conduct by failing to avoid conduct which tends to constitute a danger to the health, welfare and safety of a patient, as defined by Wis. Adm. Code § PT 7.02(8), and is subject to discipline pursuant to §448.57(2)(h), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of Daniel L. Lawrence, P.T., to practice physical therapy in the state of Wisconsin is hereby SUSPENDED for a period of one year, effective immediately.

2. That Respondent may petition the Physical Therapist Affiliated Credentialing Board for the termination of the suspension, after one year, under the following terms and conditions:

a. Respondent shall, at Respondent's own expense, have undergone an assessment by a mental health care provider experienced in assessing health care providers who have become involved sexually with patients.

b. The practitioner performing the assessment must have been approved by the Board, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

c. Respondent must provide proof sufficient to the Board that Respondent can practice with reasonable skill and safety of patients and public.

d. If the Board determines to end the suspension, Respondent's license shall be limited in a manner to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board, to

address specific treatment goals, with periodic reports to the Board by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.

e. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

3. If Respondent believes that the Board's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board under paragraph 2 is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2 above, may constitute grounds for revocation of Respondent's license as a physical therapists in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 2 above, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated this 15th day of September, 1999.

Nelda Joy Olson, P.T.

Chairperson

Physical Therapists Affiliated Credentialing Board